

TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND TO LANDER COUNTY, NEVADA, AND THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND TO EUREKA COUNTY, NEVADA, FOR CONTINUED USE AS CEMETERIES

---

JUNE 19, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. POMBO, from the Committee on Resources,  
submitted the following

## R E P O R T

[To accompany H.R. 272]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 272) to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.**

(a) FINDINGS.—Congress finds that the following:

(1) The historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated.

(2) It is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(3) In accordance with Public Law 85-569 (commonly known as the "Townsite Act"; 16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified.

(4) To ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through

the Chief of the Forest Service (referred to in this section as the “Secretary”), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the “county”), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as “Kingston Cemetery”, consisting of approximately 10 acres and more particularly described as SW1/4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

## SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The historical use by settlers and travelers since the late 1800s of the cemetery known as “Maiden’s Grave Cemetery” in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated.

(2) It is appropriate that such use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the “Secretary”), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the “county”), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as “Maiden’s Grave Cemetery”, consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

## PURPOSE OF THE BILL

The purpose of H.R. 272 is to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

## BACKGROUND AND NEED FOR LEGISLATION

The town of Kingston, Nevada, located in Lander County, requires an additional 8.75 acres of U.S. Forest Service (USFS) land to supplement the 1.25 acres of USFS land conveyed to it in 2000 to ensure that areas of unmarked graves are included in the town's cemetery, and to ensure that space is available for future graves in Kingston Cemetery. The additional land will bring the total acreage to the original ten acres that the town had access to under a Special Use Permit. The town of Kingston wants to continue use of the cemetery through local public ownership rather than through the Federal agency permitting process. In addition, the bill would convey ten acres of land managed by the Bureau of Land Management (BLM) to Eureka County, Nevada, for continued use for "Maiden's Grave Cemetery." The site continues to receive occasional burials and has been identified by the BLM as suitable for disposal.

## COMMITTEE ACTION

H.R. 272 was introduced on January 8, 2003, by Congressman Jim Gibbons (R-NV). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands and the Subcommittee on Forest and Forest Health. On April 8, 2003, the Subcommittee on National Parks, Recreation and Public Lands held a hearing on the bill. On June 11, 2003, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands and the Subcommittee on Forests and Forest Health were discharged from further consideration of the bill by unanimous consent. Congressman Gibbons offered an amendment in the nature of a substitute that (1) modified the reversionary and conveyance clauses, and (2) ensured that the mineral estate is conveyed along with the land. The amendment was agreed to by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 17, 2003.*

Hon. RICHARD POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 272, a bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 272—A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries*

CBO estimates that H.R. 272 would not significantly affect the federal budget. H.R. 272 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 272 would direct the Secretary of Agriculture and the Secretary of the Interior to convey, without consideration, certain lands to two counties in Nevada for use as cemeteries. Based on information from the agencies, we estimate that administrative costs to complete the proposed conveyances would be less than

\$50,000, assuming the availability of appropriated funds. Conveying those lands could reduce offsetting receipts (a credit against direct spending) if, under current law, they would generate income from land sales or programs to develop natural resources. According to the agencies, however, the affected lands currently generate no significant receipts and are not expected to do so over the next 10 years. Hence, CBO estimates that conveying them would not significantly affect direct spending. (The bill would have no effect on revenues.)

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

